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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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JONATHAN LEE RICHES,) No. C 07-6108 MJJ (PR)
Plaintiff,) **ORDER OF DISMISSAL**
v.)
THANKSGIVING, et al.,)
Defendants.)

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14 Plaintiff, a federal prisoner proceeding pro se, filed this pro se complaint under 42
15 U.S.C. § 1983 against “Thanksgiving, Pilgrims, Mayflower Movers, Pilgrim Pride, Turkey
16 Hill, Black Friday, Corn on the Cob, Cleveland Indians.”

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18 A federal court must conduct a preliminary screening in any case in which a prisoner seeks
19 redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. §
20 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that
21 are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary
22 relief from a defendant who is immune from such relief. See id. § 1915A(b)(1),(2). Pro se pleadings
23 must, however, be liberally construed. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699
24 (9th Cir. 1988). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential
25 elements: (1) that a right secured by the Constitution or laws of the United States was violated, and
26 (2) that the alleged violation was committed by a person acting under the color of state law. See
West v. Atkins, 487 U.S. 42, 48 (1988).

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Plaintiff states that the Thanksgiving holidays “offend[]” him. He alleges his Sixth

1 Amendment rights are being violated because he cannot spend the holidays with his friends
2 and family. He further alleges that “defendants are responsible for higher traffic, that they
3 are “conspiring with the oil companies to drive up gas prices,” and that Thanksgiving is
4 “responsible for his mistreatment.” He also claims that “Defendants are in violation of
5 separation of church and state.” Plaintiff seeks 100 million dollars in damages, and for a
6 restraining order against the celebration of the Thanksgiving holidays. The defendants
7 named by plaintiff appear to be various private food companies, a baseball team, a holiday,
8 and the day after Thanksgiving. To the extent any of these defendants are actual entities that
9 may be sued, they are private organizations that do not act under color of state law, an
10 essential element of a § 1983 action. See Gomez v. Toledo, 446 U.S. 635, 640 (1980).
11 Purely private conduct, no matter how wrongful, is not covered under § 1983. See Ouzts v.
12 Maryland Nat'l Ins. Co., 505 F.2d 547, 559 (9th Cir. 1974), cert. denied, 421 U.S. 949
13 (1975). Accordingly, plaintiff has failed to state a cognizable claim for relief under § 1983.

14 For the foregoing reasons, this action is DISMISSED.

15 The Clerk shall close the file.

16 IT IS SO ORDERED.

17 DATED: December 21, 2007



18 MARTIN J. JENKINS
United States District Judge

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